



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Apollon Papadimitriou

Group: 1656

Appln Serial No. 09/853,731, filed May 11, 2001
(Case Docket No. 20619 US)

Examiner: Kam, Chih-Min

For: **ERYTHROPOIETIN COMPOSITION**

TERMINAL DISCLAIMER

Nutley, New Jersey 07110
September 19, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Hoffmann-La Roche Inc., a corporation of the state of New Jersey, having an office at 340 Kingsland Street, Nutley, New Jersey 07110, is the assignee of the entire right, title and interest in and to the invention described and claimed in the captioned application for Letters Patent of the United States, and in and to said application and in and to any and all Letters Patent of the United States which may issue from said application, by virtue of an Assignment by Apollon Papadimitriou to F. Hoffmann-La Roche AG, recorded in the United States Patent and Trademark Office on August 27, 2001 at reel 012114, frame 0001; an Assignment by F. Hoffmann-La Roche AG to Hoffmann-La Roche Inc., recorded in the United States Patent and Trademark Office on August 27, 2001, at reel 012113, frame 0934.

Hoffmann-La Roche Inc. hereby certifies that the evidentiary documents have been reviewed, and, to the best of Hoffmann-La Roche Inc.'s knowledge and belief, title to the captioned application is in Hoffmann-La Roche Inc.

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DEPOSIT ACCOUNT NO. 08-2525 OUR ORDER NO. <u>6302</u>

Hoffmann-La Roche Inc. hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the captioned application which would extend beyond the expiration date, including any extension obtained under 35 U.S.C. § 156, of a patent issuing on Application Serial No. 10/780,297 (CD 20619 US1), filed on February 17, 2004.

Hoffmann-La Roche Inc. further agrees that any patent so granted on the captioned application, together with any right to recover for its violation, shall be enforceable only for and during such period that the legal title to any patent granted on the captioned application shall be the same as the legal title to Application Serial No. 10/780,297 (CD 20619 US1), filed on February 17, 2004, and any patent issuing thereon. This agreement to run with any patent granted on the captioned application and to be binding upon the grantee, its successors or assigns.

Hoffmann-La Roche Inc. does not disclaim the terminal part of the term of any patent granted on the captioned application prior to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and § 173 of a patent issuing on Application Serial No. 10/780,297 (CD 20619 US1), filed on February 17, 2004, as presently shortened by any terminal disclaimer, in the event that said patent issuing on Application Serial No. 10/780,297 (CD 20619 US1) ; expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term, as presently shortened by any terminal disclaimer.

Serial No. 09/853,731


Hoffmann-La Roche Inc. makes the above disclaimer without prejudice to its rights to extend, under 35 U.S.C. §§ 154-156, the term of any U.S. patent granted on the captioned application beyond the term provided by this Terminal Disclaimer.

The undersigned has authority to sign on behalf of Hoffmann-La Roche Inc. since he is an officer of Hoffmann-La Roche Inc.

The Commissioner is hereby authorized to charge the statutory fee of one hundred and thirty dollars (\$130.00) to Deposit Account No. 08-2525. The Commissioner is also authorized to charge any additional fees that may be required, or credit any over payment, to Account no. 08-2525.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signed at Nutley, State of New Jersey, this 19th day of September, 2005.

HOFFMANN-LA ROCHE INC.
By: 
George W. Johnston
Vice President

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